

SUBCOMMITTEE NO. 2

Agenda

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Upon Adjournment of Session
Room 112

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0855 California Gambling Control Commission

The California Gambling Control Commission was established by Chapter 867, Statutes of 1997 (SB 8, Lockyer). The five-member commission is to be appointed by the Governor subject to Senate confirmation. The commission (1) is responsible for licensing card rooms, card room owners, and certain card room employees; and (2) assesses fines for violations of the act.

Budget Request. The budget proposes total expenditures of \$51 million for the commission, which is an increase of \$47 million above current year expenditures. This increase is due to the fact that at the time the Governor's budget was released, there had not been expenditures from the Indian Gaming Revenue Sharing Trust Fund. In January, the GCC reported that two partial distributions, totaling \$15.6 million were made. The budget year will be the first year of full funding for the GCC.

California Gambling Control Commission – Source of Funding					
Fund	<i>Expenditures (dollars in thousands)</i>				<i>Percent</i>
	2000-01	2001-02	2002-03	Change	Change
Indian Gaming Revenue Sharing Trust Fund	\$24,901	1	46,000	45,999	n/a
Indian Gaming Special Distribution Fund	1,111	2,533	2,941	408	16.1%
Gambling Control Fund	793	1,481	2,017	536	36.2%
Totals, Programs	\$26,805	\$4,015	\$50,958	\$46,943	1,169.1%
Authorized Positions	4	38	41	3	7.9%

License Approval Process

Background. The Gambling Control Act makes the GCC responsible for licensing and imposing fines on persons involved in controlled gambling activities, such as card rooms. With respect to Indian gaming, the GCC is charged with reviewing licenses and permits to recommend to tribal gaming authorities that no unqualified or disqualified person is issued or allowed to hold a license. Individuals who must apply for gambling licenses include: (1) those who have a financial interest in the gambling establishment; (2) key employees of the gambling establishment, primarily management and those who handle money; (3) other employees of the gambling establishment; and (4) suppliers of gambling equipment and resources. The Division of Gambling within the Department of Justice (DOJ) is responsible for performing the background check on individuals.

Issue. The LAO raised an issue with respect to the DOJ's Division of Gambling and the license approval process. To-date, the DOJ's Division of Gambling has forwarded about 60 license applications for key tribal employees. There may be as many as 10,000 individuals who would apply for gambling licenses.

Staff Comments. The Subcommittee may wish to ask the GCC about the status of the license approval process and steps that the GCC is taking with the DOJ's Division of Gambling to expedite the process.

Action. Information Issue.

License 2000

Budget Request. The budget includes \$73,000 from special funds to provide equipment and software that will allow the GCC to access the License 2000 database being created at the DOJ. License 2000 is a proposed database management system that will aid the DOJ's Division of Gambling and the GCC to track gaming license information. The budget includes \$1.3 million in the DOJ budget for this project.

Analyst's Recommendation. The project feasibility study report (FSR) is being reviewed by the Department of Information Technology and has not been released to the Legislature. The LAO recommends holding this issue open pending receipt and review of the approved project FSR.

Staff Recommendation. Staff concurs with the Analyst's recommendation. Staff recommends holding the issue open the issue without prejudice, pending receipt and review of the approved FSR.

Action

Revenue Sharing Trust Fund

Background. Funds from the Indian Gaming Revenue Sharing Trust Fund are to be distributed quarterly to non-compact tribes, with an annual maximum of \$1.1 million, or an equal share of the fund should there be insufficient funds to provide the full \$1.1 million to each non-compact tribe. Quarterly payments to the Revenue Sharing Trust Fund are made by compact tribes, dependent on the number of machines licensed to the compact tribe. In addition, a tribe must pay a one-time fee of \$1,250 per machine to obtain a license for the machine.

Distributions. The GCC has made two partial distributions covering five fiscal quarters from July 1, 2000 through September 30, 2001. These distributions total \$40.4 million and represent \$100,000 per quarter per eligible tribe. The GCC estimates that it may have make distribution at the end of May.

Staff Comments. The Subcommittee may wish to ask the GCC to give an update on the Revenue Sharing Trust Fund, including information on the next anticipated distribution, when the GCC anticipates being able to make full distributions from the fund, and when the GCC is likely to reach an agreement with the tribes concerning the rules for the quarterly payments into the Trust Fund.

Action. Information Item.

0690 Office of Emergency Services

The principal objective of the Office of Emergency Services (OES) is the coordination of emergency activities to save lives and reduce property losses during disasters and to expedite recovery from the effects of disasters. OES provides leadership assistance and support to state and local agencies in planning and preparing for the most effective use of federal, state, local, and private resources in emergencies. This emergency planning is based on a system of mutual aid in which a jurisdiction first relies on its own resources and then calls for assistance from its neighbors.

Office of Emergency Services -- Program Expenditures					
Program	<i>Expenditures (dollars in thousands)</i>				<i>Percent</i>
	2000-01	2001-02	2002-03	Change	Change
Mutual Aid Response	\$21,294	\$17,721	\$15,910	-\$1,811	-10.2%
Plans and Preparedness	23,164	36,486	35,581	-905	-2.5%
Disaster Assistance	565,520	814,252	591,849	-222,403	-27.3%
Administration and Executive	5,110	5,830	5,880	50	0.9%
Distributed Administration and Executive	-5,110	-4,935	-4,985	-50	1.0%
Totals, Programs	\$609,978	\$869,354	\$644,235	-\$225,119	-25.9%
Total Authorized Positions	487	508	511	3	0.6%

Office of Emergency Services -- Source of Funding					
Fund	<i>Expenditures (dollars in thousands)</i>				<i>Percent</i>
	2000-01	2001-02	2002-03	Change	Change
General Fund	\$85,476	\$107,530	\$63,012	-\$44,518	-41.4%
Unified Program Account	578	593	613	20	3.4%
Nuclear Planning Assessment Special Account	2,218	3,449	2,958	-491	-14.2%
Disaster Relief Fund	0	101	0	-101	-100.0%
State Assistance for Fire Equipment Account	4	100	100	0	0.0%
Federal Trust Fund	519,761	755,468	575,439	-180,029	-23.8%
Reimbursements	1,941	2,113	2,113	0	0.0%
Totals, Programs	\$609,978	\$869,354	\$644,235	-\$225,119	-25.9%

Budget Request. The budget proposes total expenditures of \$644.2 million, which is a decrease of \$225.1 million, or 25.9 percent, below anticipated current year expenditures. Of this amount \$63 million is from the General Fund and \$575 million is from federal funds. The majority of the reduction in the budget for OES is due to a decrease in federal funds.

Major changes in the budget include:

- An increase of \$562,000 from the General Fund to provide dedicated support to the State Strategic Committee on Terrorism (SSCOT), a multi-agency advisory group established to help develop strategies for threats, risk assessments, and response capabilities.
- A reduction of \$1.2 million General Fund for delay in the California Integrated Seismic Network until fiscal year 2003-04 and various operating expenses.

State Strategic Committee On Terrorism Funding

Budget Request. The budget proposes \$562,000 from the General Fund to provide dedicated support to the State Strategic Committee on Terrorism (SSCOT), a multi-agency advisory group established to help develop strategies for threats, risk assessments, and response capabilities.

Staff Comments. The Subcommittee may wish to ask how the activities performed by SSCOT differ from the activities performed by other task forces and agencies.

Action.

Federal Anti-Terrorism Funds

Background. The President's proposed budget includes \$38 billion for antiterrorism efforts, of which approximately \$3.5 billion may be made available to state and local government nationwide for antiterrorism efforts. OES indicates that the intent is to provide 75 percent to locals and 25 percent to the state for efforts including training, equipment, planning, and exercises.

Staff Comments. The Subcommittee may wish to get an update from the OES regarding discussions with the federal agencies, and any additional information on the amount of funding that may be available to California, and what types of activities may be eligible for this funding.

Action. Information Issue.

3780 Native American Heritage Commission

The nine-member Native American Heritage Commission (NAHC) preserves and protects California Native American cultures. The commission's powers and duties include: identifying, cataloging, and preserving geographic sites of importance to Native Americans; helping Native Americans obtain access to these sites when necessary; protecting Native American burial and sacred sites; and ensuring that remains are treated appropriately when burial sites are discovered.

Budget Request. The budget proposes four positions and \$327,000 from the General Fund, which is \$3,000 less than the current year appropriation.

Support Budget

Staff Recommendation. No issues have been raised with respect to the NAHC support budget. Staff recommends approval as budgeted.

Action

8690 Seismic Safety Commission

The Seismic Safety Commission was established to improve earthquake preparedness and safety in California. Specifically, the commission is responsible for providing a consistent framework for earthquake-related programs and coordinating the administration of these programs throughout state government. The 17 member commission performs policy studies, reviews programs, investigates earthquake incidents, and conducts hearings on earthquake safety. The commission advises the Legislature and the Governor on legislative proposals, the state budget, and grant proposals related to earthquake safety.

Budget Request. The budget proposes \$966,000 from the General Fund (\$891,000) and from reimbursements (\$75,000) for 9 positions at the commission. This amount is \$361,000, or 29 percent below estimated current year expenditures.

Staff Recommendation. No issues have been raised by Members, staff, or the LAO. Staff recommends approval as budgeted.

Sub 2 Action.

8140 State Public Defender

The Office of the State Public Defender (OSPD) was established in 1976 to provide indigent representation. Chapter 869, Statutes of 1997, revised the mission of the State Public Defender. The OSPD is now required to concentrate on post-conviction proceedings following a judgment of death. Specifically, the OSPD is limited to representing capital appellants only for the purpose of the direct appeal for all cases to which the OSPD was appointed after January 1, 1998.

State Public Defender -- Program Expenditures					
Program	<i>Expenditures (dollars in thousands)</i>				<i>Percent Change</i>
	2000-01	2001-02	2002-03	Change	
TOTAL, State Public Defender	\$11,444	\$11,794	\$11,041	-\$753	-6.4%
Total Positions	102	119	107	12	-9.8%

Budget Request. The budget proposes \$11 million from the General Fund, a decrease of \$753,000 or 6.4 percent below current year expenditures. The reduction is achieved by the proposed elimination of 11 positions and .6 temp help positions.

Staff Recommendation. Staff recommends approval as budgeted.

Action.

8700 California Victim Compensation and Government Claims Board

The California Victim Compensation and Government Claims Board, formerly known as the Board of Control, consists of three members, the Director of General Services who serves as the chair, the State Controller, and a public member appointed by the Governor. The primary functions of the Board of Control are to: (1) compensate victims of violent crime and eligible family members for certain crime-related financial losses, (2) consider and settle all civil claims against the state, (3) provide equitable travel allowances to certain government officials, (4) respond to bid protests against the state alleging improper or unfair acts of agencies in the procurement of supplies and equipment, and (5) provide reimbursement of counties' expenditures for special elections.

Budget Request. The budget proposes \$155.4 million (\$1.8 million from the General Fund), which is an increase of \$6.4 million, or 4.3 percent from anticipated current year expenditures. Of the total proposed expenditures, \$145.7 million is proposed for the Citizens Indemnification Program, which indemnifies those citizens who are injured and suffer financial hardship as a direct result of a violent crime. This represents an increase of \$7.6 million for this program above estimated current year expenditures. The Claims Board is primarily funded from the Restitution Fund. Total expenditures of \$129.1 million are proposed from the Restitution Fund. Included in budget is a proposal to eliminate 1 positions and \$47,000 in operating expenses from the Government Claims Program.

California Victim Compensation and Government Claims Board -- Program Expenditures					
Program	<i>Expenditures (dollars in thousands)</i>				<i>Percent</i>
	2000-01	2001-02	2002-03	Change	Change
Citizens Indemnification	\$127,668	\$138,139	\$145,702	\$7,563	5.5%
Quality Assurance & Revenue Recovery	0	8,807	7,829	-978	-11.1%
Disaster Relief Claim Program	19	19	19	0	0.0%
Civil Claims Against the State	940	931	837	-94	-10.1%
Citizens Benefiting the Public (Good Samaritans)	10	20	20	0	0.0%
Administration	9,775	7,315	7,563	248	3.4%
Distributed Administration	-9,775	-7,315	-7,563	-248	3.4%
Counties' Special Election Reimbursements	1,104	1,104	1,000	-104	-9.4%
Totals, Programs	\$129,741	\$149,020	\$155,407	\$6,387	4.3%
Total Authorized Positions	326	354	342	-12	-3.4%

California Victim Compensation and Government Claims Board – Source of Funding					
Fund	<i>Expenditures (dollars in thousands)</i>				<i>Percent</i>
	2000-01	2001-02	2002-03	Change	Change
General Fund	\$2,434	\$2,035	\$1,837	-\$198	-9.7%
Missing Children Reward Fund	0	2	2	0	0.0%
Restitution Fund	109,232	127,338	129,110	1,772	1.4%
Federal Trust Fund	18,046	19,626	24,439	4,813	24.5%
Reimbursements	29	19	19	0	0.0%
Totals, Programs	\$129,741	\$149,020	\$155,407	\$6,387	4.3%

Restitution Fund

Issue. The budget estimates that current year claim payments from the Restitution Fund will total \$79 million, or an increase of 14 percent from the prior year. For the budget year, estimated growth in claims payments are projected to grow by 6.3 percent to \$84 million. In both the current year and in the budget year, expenditures from the Restitution Fund are approximately \$30 million greater than revenues, and are financed by drawing down the reserve. In addition, the budget proposes a \$20 million loan from the Restitution Fund to the General Fund. Together, the effect of the growing revenues and the General Fund loan draw down the reserve for the Restitution Fund from \$79.2 million to an estimated \$329,000 in the budget year.

Restitution Fund – Revenues, Expenditures, and Reserve					
	<i>Expenditures (dollars in thousands)</i>				<i>Percent</i>
	2000-01	2001-02	2002-03	Change	Change
Prior Year Balance	\$82,625	\$79,220	\$51,604	-\$27,616	-34.9%
Revenues	107,267	103,459	101,938	-1,521	-1.5%
Transfers, General Fund Loan	0	0	-20,000	N/a	N/a
<i>Total Resources</i>	<i>\$189,892</i>	<i>\$182,679</i>	<i>\$133,542</i>	<i>-\$49,137</i>	<i>-26.9%</i>
Payments of Claims for Victims/Citizens	69,333	79,000	83,980	4,980	6.3%
<i>Total Expenditures</i>	<i>110,672</i>	<i>131,075</i>	<i>133,213</i>	<i>2,138</i>	<i>1.6%</i>
Reserve	79,220	51,604	329	-51,275	-99.4%

Staff Comments. Staff notes that it there appears to be a structural problem with the Restitution Fund, and that even without the General Fund loan, there would not be sufficient funds to cover expenditures in 2003-04 if the expenditure and revenue trends continue.

Staff Recommendation. Staff recommends adoption of Supplemental Report Language, directing the Board to report on options for addressing the structural imbalance in the Restitution Fund.

Action.

Budget Reduction Proposal

The budget proposes a reduction of \$94,000 and one position from the Claims Board budget. In order to implement this reduction, the board is proposing the following statutory changes to the program's mandates in a trailer bill:

- **Require claims to be submitted using a standard Claim Form.** This is proposed to allow less staff review time.
- **Increase Caltrans delegation to \$5,000 from \$1,000.** The board notes that this would reduce workload by 700 claims annually. Additionally, the board notes that historical data reveals that the

board seldom, if ever, disagrees the department's recommendation to either approve or reject tort claims.

- **Amend language to allow processing time to commence “upon receipt” or five days after the postmark and to extend notification of incomplete claims from 20 to 30 days.** The board indicates that these changes will provide more flexibility in meeting processing timeframes and will endure that legal defenses by the state are not waived because of a failure to respond in a timely manner.

Staff Recommendation. Staff recommends approval of the proposal and adoption of the trailer bill with some technical changes related to effective date and procedures for returning claims materials when the proper form is not used.

Below is one section of the trailer bill language proposed by the administration:

Amend Government Code Section to read

910.4 The board ~~may~~ shall provide forms specifying the information to be contained in claims against the public entity. ~~If the board provides forms pursuant to this section, the~~ The Person presenting a claim ~~need not~~ must use such form if he presents his claim to be deemed in conformity with Sections 910 and 910.2. ~~A claim presented on a form provided pursuant to this section shall be deemed to be in conformity with Sections 910 and 910.2 if the claim complies substantially with the requirements of the form or with the requirements of Section 910 and 910.2.~~ Failure to do so shall result in return of the claim materials. The claim must then be resubmitted on the form provided by the board in order to be considered. The requirements of this section shall take effect six months after passage of this statutory change.

The proposed language requires the board to return claims and claim information not submitted with the proper form. Staff recommends permissive language giving the board discretion to not return all the claim information pending receipt of the proper form. The Department of Finance does not object to the proposed technical changes.

Action

Claims Review Units

Budget Request. The budget proposes \$966,000 from the Restitution Fund to establish a Claims Review Unit within each Joint Power county. The establishment of a Claims Unit is in response to a federal audit which criticized the board for not employing adequate separation of duties between the processing/verifying of a claim and the approval for payment.

Staff Recommendation. Staff recommends approval as budgeted.

Action

Redirection of Resources and Elimination of Surplus Positions

Budget Request. The budget proposes elimination of 11 positions greater than identified business needs, and redirection of 5 vacant positions to become hearing officer positions, for a net reduction of \$473,000.

Staff Recommendation. Staff recommends approval as budgeted.

Action

Finance Letter

Victim of Crime Funds.

Finance Letter Request. The board has submitted a Finance Letter requesting an increase of \$4.9 million in federal funds available for expenditure by the Victims of Crime Program.

Staff Recommendation. Staff recommends approval of the Finance Letter.

Action

9670 Equity Claims of the California Victim Compensation and Government Claims Board and Settlements and Judgments by the Department of Justice

The budget for this item reflects: (1) statewide expenditures for certain equity claims against the state approved for payment by the California Victim Compensation and Government Claims Board and referred to the Legislature in the omnibus claims bills for payment, (2) certain settlements and judgments against the state paid through judgment and settlement bills sponsored by the Department of Justice, and (3) administration and payment of tort and liability claims.

Background. The Department of Justice (DOJ) currently has the delegated authority to approve and pay General Fund tort claims against the State that do not exceed \$35,000. Item 9670-001-0001 of the Budget Act provides up to \$1.2 million General Fund for this purpose. The approved claims are paid from this appropriation and the remainder of the \$1.2 million reverts back to the General Fund. Over the past four years, an average of \$517,000 has been expended for tort claims from this General Fund item.

Budget Request. The budget does not propose any General Fund appropriation for this purpose. Claims under \$35,000 from General Fund agencies would be paid from the base budget of affected agency. Special Fund departments (such as the Department of Transportation) would also have the authority under this item to pay claims up to \$35,000 with DOF approval. To enable these departments to continue to pay special fund claims pursuant to this authority, the DOF is proposing to leave Item 9670 in the Budget Bill, with the provisional language addressing special funds, minus the General Fund appropriation.

Staff Recommendation. Staff recommends approval of this item as budgeted.

Action.

8100 Office of Criminal Justice Planning

The goal of the Office of Criminal Planning (OCJP) is to improve the criminal justice system by providing financial and technical assistance to local jurisdictions, state agencies, and the private sector, providing education and training for citizens, and providing technical support to the Administration.

The OCJP is the lead executive branch agency with respect to crime prevention, crime suppression, and criminal justice planning. In order to fulfill its goals, the OCJP is responsible for; (1) developing effective approaches for crime prevention and victim services programs, (2) providing technical assistance, (3) disseminating information on successful program models, (4) conducting training conferences and seminars on programs and issues, (5) conducting research, crime analysis, and program evaluations, (6) developing publications on crime prevention, victimology, and victim services for statewide distribution, and (7) providing financial assistance for victim services and criminal justice programs.

Budget Request. The OCJP is organized into two programs: Administration and Criminal Justice Projects, the table below summarizes expenditures for these programs. Funding for the Criminal Justice Projects Program is budgeted at \$265.9 million, a decrease of \$51.8 million, or 16.3 percent, below the current year budget. The primary reason for the decrease is that the current year budget includes \$15 million in one-time expenditures for the War on Methamphetamine program, and \$25 million in one-time expenditures for local crime labs.

Proposed Reductions. Due to uncertain economic conditions, the budget proposes total reductions of \$719,000, including elimination of 5 positions and reductions in various OE&E expenditures.

Office of Criminal Justice Planning -- Program Expenditures					
Program	Expenditures (dollars in thousands)				Percent Change
	2000-01	2001-02	2002-03	Change	
Administration	\$3,241	\$3,433	\$3,173	-\$260	-7.6%
Distributed Administration	-3,241	-3,433	-3,173	260	-7.6%
Criminal Justice Projects	302,380	317,639	265,864	-51,775	-16.3%
Totals, Programs	\$302,380	\$317,639	\$265,864	-\$51,775	-16.3%
Total Authorized Positions	140	158	155	-3	-1.8%

Authorized Positions. The number of authorized positions is proposed to increase by 3 to 155 positions in the budget year.

The table on the following page summarizes the funding sources for OCJP programs. The majority of funding for OCJP is provided from federal funds -- the budget proposes \$169.6 million, or 53.3 percent from the Federal Trust Fund, while \$127.9 million (40.2 percent) is from the General Fund. Of the total budgeted amount for OCJP, \$15.8 million is for State Operations, and \$302.7 million is for Local Assistance.

Office of Criminal Justice Planning – Source of Funding					
Fund	<i>Expenditures (dollars in thousands)</i>				<i>Percent</i>
	2000-01	2001-02	2002-03	Change	Change
<i>State Operations</i>					
General Fund	\$4,367	\$5,390	\$4,508	-\$882	-16.4%
Local Public Prosecutors/Defenders Training Fund	64	68	67	-1	-1.5%
Victim/Witness Assistance Fund	1,475	1,529	1,487	-42	-2.7%
High Technology Theft Apprehension/ Prosecution Program Trust Fund	100	968	913	-55	-5.7%
Less funding provided by General Fund	-66	-932	-877	55	-5.9%
Less funding provided by Federal Funds	-36	-36	-36	0	0.0%
Federal Trust Fund	7,321	8,915	8,772	-143	-1.6%
Reimbursements	68	310	310	0	0.0%
<i>Totals, State Operations</i>	<i>\$13,293</i>	<i>\$16,212</i>	<i>\$15,144</i>	<i>-\$1,068</i>	<i>-6.6%</i>
<i>Local Assistance</i>					
General Fund	\$111,822	\$113,400	\$67,899	-\$45,501	-40.1%
Local Public Prosecutors/Defenders Training Fund	727	792	792	0	0.0%
Peace Officer Training Fund	0	5,000	0	-5,000	-100.0%
Victim/Witness Assistance Fund	15,519	15,519	15,519	0	0.0%
High Technology Theft Apprehension/ Prosecution Program Trust Fund	3,433	13,518	13,518	0	0.0%
Less funding provided by General Fund	-3,215	-13,300	-13,300	0	0.0%
Less funding provided by Federal Funds	-218	-218	-218	0	0.0%
Federal Trust Fund	158,533	163,942	163,736	-206	-0.1%
Reimbursements	2,486	2,774	2,774	0	0.0%
<i>Totals, Local Assistance</i>	<i>\$289,087</i>	<i>\$301,427</i>	<i>\$250,720</i>	<i>-\$50,707</i>	<i>-16.8%</i>
Totals, Programs	\$302,380	\$317,639	\$265,864	-\$51,775	-16.3%

The table on the next page summarizes the OCJP's funding by program. The budget proposes funding for 37 programs, generally divided between victim services programs, and public safety programs.

OCJP Summary of Program Budget Amounts by Fund – Local Assistance				2002-03	
(Dollars in Thousands)					
Program	Total	Fund Source			
		General Fund	Federal Fund	Special Fund	Reimb.
Victim Services					
Victim Witness Assistance	\$ 10,871			\$ 10,871	
Victim's Legal Resource Center	173	173			
Domestic Violence	10,211	1,460	8,751		
Family Violence Prevention	194	194			
Violence Against Women Act (VAWA)	12,990		12,990		
Rape Crisis	3,771	101		3,670	
Rape Prevention (DHS)	5,571		5,571		
Homeless Youth	883	883			
Youth Emergency Telephone Referral	338	338			
Child Sex Abuse & Exploitation	981	3		978	
Child Sex Abuse Prevention & Training	672	672			
Child Abuse/Abduction Prevention	495				
Victims of Crime Act (VOCA)	39,267		39,267		
Mandates Claims Bill	851	851			
Subtotals- Victims Services	\$87,344	\$4,675	\$67,150	\$15,519	\$0
Public Safety					
Community Crime Resistance	\$923	\$923			
War on Methamphetamine	15,000	15,000			
Career Criminal Apprehension	2,308	2,308			
Career Criminal Prosecution	3,987	3,987			
Major Narcotics Vendors Prosecution	2,641	2,641			
Serious Habitual Offender	547	547			
Vertical Prosecution of Statutory Rape	8,361	8,361			
Elder Abuse Vertical Prosecution	2,000	2,000			
Child Sex Assault Prosecution	1,304	1,304			
Evidentiary Medical Training	1,364	1,364			
Children's Justice Act (CJA)	1,770		1,695		75
Vertical Defense of Indigents	692	692			
California Innocence Protection Program	800	800			
Public Prosecutors/Defenders Training	821	29		792	
Byrne Fund	52,118		52,118		
Residential Substance Abuse Treatment	6,545		6,545		
Local Law Enforcement	882		882		
Peace Officer Protective Equipment	178		178		
High Tech Theft Apprehension/Prosecution	13,518			13,518	
Suppression of Drug Abuse in Schools	3,263	1,451			1,812
Gang Violence Suppression	6,620	4,728	1,005		887
Multi Agency Gang Enforcement Consortium	248	248			
Juvenile Justice & Delinquency Prevention	6,060		6,060		
Community Delinquency Prevention	5,002		5,002		
Juvenile Accountability Incentive	21,769		21,769		
Juvenile Justice—Project Challenge	1,114		1,114		
Rural Crime Prevention	3,541	3,541			
Subtotals – Public Safety	\$163,376	\$49,924	\$96,368	\$14,310	\$2,774
Totals, Local Assistance	\$250,720	\$54,599	\$163,518	\$29,829	\$2,774

Budget Issues

Reestablishment of Vacant Positions

Budget Request. The budget proposes to re-establish two positions that were eliminated pursuant to Government Code Section 12439, which requires the State Controller's Office to abolish civil service positions that remain vacant for six consecutive monthly pay periods during the previous fiscal year. Specifically, OCJP proposes to re-establish a Staff Services Manager II (SSMII) position and an Office Services Supervisor (Typing) position. The positions were abolished on June 20, 2001.

SSMII Position. OCJP indicates that the SSMII position remained vacant because it was reclassified from a supervisory position to a managerial position upon becoming vacant. Subsequently a decision was made to use the position to establish an exempt Public Information Officer. OCJP indicates that this position is critical for ensuring effective development and distribution of information concerning OCJP's local assistance and other programs.

OSS (Typing) Position. OCJP indicates that two recruitment efforts were made to fill the position. Each time OCJP received applications (55 applications and 41 applications), but by the time hiring decisions were made none of the approved candidates were still seeking employment.

Staff Comments. The subcommittee may wish to ask whether these positions are necessary or could be redirected from other vacant positions.

Action

Discretionary Use of Federal Funds

Background. At a Subcommittee #4 budget hearing on April 3, there was testimony indicating that the administration had found \$800,000 in federal funds in the current year that were redistributed to fund LA CLEAR, a gang prevention program. Specifically, OCJP indicates that \$692,000 from the Juvenile Accountability Incentive Block Grant (includes \$300,000 allocated to CYA) and \$108,000 from Byrne funds were redistributed.

OCJP indicates that these funds are from grantees that were unable to spend down their allotted funds during the grant period. In order to avoid reverting these funds to the federal government, OCJP redistributed them to projects that are able to expend the funds within the allotted period. LA Clear was the recipient of funds that other grantees were unable to spend.

Staff Comments. In the case of CLEAR, the Legislature appropriated \$1 million for the program in the current year. The administration has subsequently redistributed \$800,000 in federal funds for the program. The Subcommittee may wish to ask what discretion the OCJP has with respect to changing grantees who are receiving federal funds, how such changes would be made with no Legislative notification or approval, how often such changes of grantees occur, and approximately how much funding is redistributed among grantees each year by OCJP.

Action

Finance Letters

Redirection of Federal Child Justice Act Funding

Finance Letter Request. This Finance Letter requests a redirection of \$80,000 in Federal Funds from state operations to local assistance to more effectively utilize the federal funding received from the Child Justice Act program.

Staff Recommendation. Staff recommends approval of the Finance Letter.

Action

Peace Officer Protective Equipment

Finance Letter Request. This Finance letter proposes an increase of \$1.1 million in federal funds for local assistance expenditure authority to reflect the increased award that California receives from the U.S. Department of Justice, Office of Justice Programs' Bulletproof Vest Partnership Act program.

Staff Recommendation. Staff recommends approval of the Finance Letter.

Action

Victims of Crime Act

Finance Letter Request. This Finance Letter proposes an increase of \$1.4 million for local assistance in federal funds due to an increase in the amount of California's Victims of Crime Act (VOCA) award.

Staff Recommendation. Staff recommends approval of the Finance Letter.

Action

Domestic Violence Redirection.

Finance Letter Request. This Finance Letter proposes a redirection of \$4 million from the General Fund appropriated in the 2000 Budget Act for the DNA-Cold Hit Program to the Domestic Violence Program. This funding would provide continued funding for the remaining two years of the grant cycle to the ten domestic violence programs identified pursuant to Chapter 707, Statutes of 2001, which were defunded in the current year.

The OCJP indicates that the \$4 million is available from the Cold Hit program due to an adjusted count of the viable rape kits available to be tested under that program.

Staff Recommendation. Staff recommends approval of the Finance Letter.

Action

